

*** NOT FOR PUBLICATION ***

NO. 25972

IN THE SUPREME COURT OF THE STATE OF HAWAII

IN THE INTEREST OF JANE DOE born on February 6, 2002

APPEAL FROM THE FAMILY COURT OF THE SECOND CIRCUIT
(FC-S NO. 02-089)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of appellant's statement of jurisdiction, appellee's motion to dismiss appeal and the record, it appears that the right to appeal the family court's April 22, 2003 order awarding permanent custody was conditioned upon the filing of a motion for reconsideration of the order within twenty days after the order was entered. See HRS § 571-54; In the Interest of Jane Doe, 77 Hawai'i 109, 113, 883 P.2d 30, 34 (1994); In the Interest of Jane Doe, 3 Haw. App. 391, 394, 651 P.2d 492, 494 (1982). Appellant's motion for reconsideration of the April 22, 2003 order was filed on May 19, 2003, twenty-seven days after entry of the order and was untimely. The twenty-day statutory deadline cannot be waived. See HRAP 26(b). Thus, the jurisdictional requirement for appealing the April 22, 2003 order was not met and we lack jurisdiction over this appeal. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawaii, November 7, 2003.